IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 1714 of 1993

Between:

1 Poola Varaff Kandi Boyina Venkateswarly S/o. Polaiah
R/o. Donakonda. Prakasam District .
2 Poola Varaf Kandi Boyina Guramma W/o. Polaiah
3 Bachu Venkata Subbaiah
R/o. Donakonda. Prakasam District.

.....PETITIONER(S)

AND

1 The Regional Joint Commissioner of Endowments (Multi zone-II)
Endowments Department, Hyderabad.
2 The Deputy Commissioner for Endowments, Guntur.
3 The Chairman Sri Prasanna Anjaneya Swamy Temple
Donakonda, Prakasam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the order Dt. 12-9-1989 passed by the Ist respondent herein as illegal, arbitrary and unjust by issuing any appropriate Writ, order or direction.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondent Nos.1 and 2: G.P.FOR ENDOWMENTS.

Counsel for the Respondent No.3: Mr.N.V.SurayaNarayana Murthy

The Court made the following :

ORDER

This Writ Petition is filed to declare the order passed by t6he 1st respondent dated 12-9-1989 as illegal and arbitrary.

The case of the petitioners is that the 1st petitioner purchased Ac.4.62 cents of land in Sy.No.180, the 2nd petitioner purchased an extent of Ac.9.00 in Sy.No.179/1, 180 and 173 and the third petitioner purchased an extent of Ac.4.00 in Sy.No.179 of Badapuram village, Donakonda mandal, Prakasam district under registered sale deeds dated 11-10-1979, 11-10-1979 and 7-8-1979 respectively from Jonnagadda Ramaswamy and ever since they have been in possession and enjoyment of the same. The 3rd respondent filed O.A.153 of 1984 before the Deputy Commisioner of Endowments Guntur under Section 93(4) of Andhra Pradesh Charitabhle & Religious Institutions and Endowments Act, 1966 for issuance of a certificate on the ground that the petitioners have been in illegal occupation of properties belonging to the temple.

The grievance of the petitioner is that they were not added as parties in the said O.A. and the said O.A. was disposed of without any notice to them on 12-9-1989. Taking advantage of the said order, the 3rd respondent filed Crl.M.P.No.1464 of 1989 on the file of the Judicial First Class Magistrate, Darsi for delivery of their properties. Hence the petition.

The 3rd respondent filed counter stating that the properties belong to the temple as they were entered in the Register maintained under Section 38 of the Act 17 of 1966. It is false that the temple did not add the names of the petitioners and issue notice to them in the said O.A. and the said O.A. was disposed of against the petitioners without notice. If the petitioners are aggrieved by the said order, they have to file a suit seeking their title to the properties. Even though notices

were sent, the 2nd respondent refused to receive the same. Hence it sought for dismissal of the petition.

Heard both the counsel and perused the entire record available on hand.

Admittedly, the petitioners did not file any record to show that the alleged properties were purchased by them from the alleged vendor. The case of the 3rd respondent is that as per the register maintained under Section 38 of the Act 17 of 1966, the properties belong to temple, therefore, the 3rd respondent filed the O.A.153 of 1984 for issuance of a certificate and subsequently said O.A. was transferred on administrative grounds from the office of Deputy Commissioner of Endowments, Guntur to office of Regional Joint Commissioner of Endowments, Hyderabad and same was disposed of holding that the properties belong to 3rd respondent since none appeared for the respondents therein. If the petitioners aggrieved by the said order, they can as well approach the appropriate Forum, challenging the said order, as per law. In the circumstances, I do not see any ground to exercise the writ jurisdiction under Article 226 of the Constitution of India.

In the above circumstances, the Writ Petition fails and accordingly, it is dismissed. No costs.

11-11-2004.

Hsd

Assistant Registrar

// true copy //

Section officer

To,

1. The Regional Joint Commissioner of Endowments (Multi zone-II)
   Endowments Department, Hyderabad.
2 The Deputy Commissioner for Endowments, Guntur.
3 The Chairman Sri Prasanna Anjaneya Swamy Temple
   Donakonda, Prakasam district.

4. 2 C.Cs to G.P. for Endowments, High Courts Buildings, Hyderabad (OUT)

5. 2 C.D.copies.